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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,236	07/12/2001	Edward O. Clapper	INTL-0628-US (P12052)	2118

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Timothy N. Trop
TROP, PRUNER & HU, P.C.
8554 KATY FWY, STE. 100
HOUSTON, TX 77024-1805

EXAMINER

TANG, SON M

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,236

Applicant(s)

CLAPPER, EDWARD O.

Examiner

Son M Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-19, 21-29, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2-9, 11, 13-19, 21-29 and 31-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "said server" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1, 11, 21, 4-7, 9, 13-17, 19, 24-26 and 31-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Komatsu** [U.S. Pat. 5,646,616] in view of **Alberth, Jr. et al.** [US 6,351,653] and further in view of **Kobayashi** [JP 02001306719A].

As to claims 1, 11 and 21: **Komatsu** disclose a system comprising, a plurality of wireless tags (6) around a facility (see Fig. 1), providing a sensor (met by an antenna 60 combines with section 72) associated with a user to sense the tags (6), a controller (70) determines the position of the user in the facility based on information from said tags (as shown in Fig. 1-3 and col. 3, lines 15-25).

Komatsu disclosed a portable system mounted on the shopping carts for determining the position within the facility as described above, Komatsu fails to disclose that the portable system

wirelessly linking a plurality of shopping carts and communicate with one another through said network.

Kobayashi teaches a local area network communication system allowing people to discuss what are seeing at a sports event facility [as cited in Abstract and paragraph # [0021].

Alberth Jr. et al. teach the desirability of allowing communication between friends and family members at shopping facilities as well as sports event facilities [as cited in col. 1, lines 21-28].

Thus, in view of the three teachings, it would have been obvious to one having ordinary skill in the art at the time of the claimed invention that a local area network communication system where portable devices are wirelessly linked such as taught by Kobayashi can be applied to the shopping facility devices such as taught by Komatsu in view of teaching by Alberth Jr. et al. in order to allow communication between friends or family members each handling a shopping cart device and situated differently through out the shopping facility, such as to inform each other and to discuss about a sought-after product or a promotional sale seen near a particular shopping cart.

As to claims 4-7, 9, 13-17, 19 and 24-26: Komatsu further discloses a plurality of sensors associated with the user, each sensor on a shopping cart and to sense the identify information from each of a plurality wireless tags to determine the position of the user in the facility (as shown in Fig. 1-3 and col. 3, lines 15-40).

As to claims 31-32: As stated by Komatsu (in col. 2, lines 46-68), Komatsu does not specifically discloses that a requested destination from the user's current position. However, it would have been obvious of one having ordinary skill in the art at the time the invention was made to be interpreted as following: Komatsu discloses a computer that comprising a control section [70] and IC cart reader/writer [90] wherein said reader/writer reads the picking request from a user, wherein said picking request including a type and amount of articles to be picked up

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[col. 2, lines 47-60] the computer associated with a display unit [20] and determines the requested and display the picking information in response to the current position of the picking cart [col. 2, lines 58-60] the picking information includes the articles number, quantity, units, the position of a shelf (means articles location) and a cart advancement route (means future path travel) which is determined for each operation in accordance with the type of the articles to be picked up (in the future) [col. 2, lines 61-67]. Therefore, “a requested destination” would be the same as “article picking requested” since, they both use for requesting an item location information in the facility.

2. Claims **3, 8, 18, 22-23 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Komatsu** in view of **Kobayashi and Alberth, Jr. et al.** in claim 1 above, and further in view of **Jelen et al.** [U.S. Pat. 6,119,935].

As to claims 3, 8 and 18 : Komatsu, Kobayashi and Alberth Jr. disclose all the limitation as described in claim 1 above, they fail to specify that the portable device of shopping carts through a local area network to the server, **Jelen et al.** teach a system which comprising a wirelessly link a plurality of shopping carts within a retail facility through a local area network to the server (58) and enable the carts to exchange information through said network (as shown in Fig. 1 and col. 4, lines 7-47). It would have been obvious of one having ordinary skill in the art at the time the invention was made to modify the server as taught by Jelen et al. into the system of the combination above, for the advantage of save cost, which instead of reprogramming each portable device on each shopping cart, one merely reprogram at the server and the new information will provide through out the network.

As to claims 22-23 and 27: Refer to claims 3, 8 and 18 above.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (703)306-5970. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703)308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3988 for regular communications and (703)305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Son Tang
July 24, 2003


BENJAMIN C. LEE
PATENT EXAMINER
GROUP 2632